

May 26, 2010

Present:

Commissioners Michael Brady, Joanne Clark, Robert Snyder, Donna Hunt and Philip Dinkel, Town Manager Cheril Thomas, Administrative Assistant Sabrenia Yohn, Town Attorney Charles MacLeod, and approximately 35 members of the public.

Call to Order:

President Brady called to order the public legislative session at 6:40 p.m. in the meeting room of the Edgar M. Bosley, Jr. Municipal Building (Town Office), 300 Mill Street, St. Michaels, Maryland. The Pledge of Allegiance was recited.

Announcement of Closed Session:

President Brady announced that on May 26, 2010 at 5:00 p.m. pursuant to Maryland Code, State Government Art., § 10-508 (a) (7) the Commissioners met in closed session to discuss legal matters related to the provisions of Ordinance 415–Miles Point TND Map Amendments; the provisions of Ordinance 416–Comprehensive Rezoning; the provisions of Ordinance 418–Comprehensive Rezoning Map and the provisions of Resolution 2010-01–Heatherington Harbor Annexation and the Heatherington Harbor Annexation Plan as well as administrative matters related to the potential appointments to the Tourism Board and the Waterways Advisory Panel.

President Brady announced that this would be the last meeting for Commissioner Bob Snyder and Commissioner Phil Dinkel. Police Chief Miguel Dennis thanked Commissioners Snyder and Dinkel for their support and provided each with mementos.

Public Hearing:

- **Resolution 2010-07 - A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS TO AMEND THE BUDGET FOR FISCAL YEAR 2010, AS AMENDED ON OCTOBER 28, 2009, AND AS FURTHER AMENDED ON MAY 26, 2010**

President Brady opened the public hearing on Resolution 2010-07. Mrs. Yohn provided the public hearing sign-in sheets at President Brady's request, and read the title of the Resolution and exhibits into the record as follows:

1. Notices of the public hearing scheduled for May 26, 2010 as published in the *Star Democrat* on May 20, 2010.
2. Resolution 2010-07 and Appendix A to Resolution 2010-07
3. Notice of the Public Hearing on May 26, 2010 which was posted on the bulletin board in the Town Office.

Mrs. Thomas said this public hearing was on the amendments to the general fund and capital fund and provided a line by line overview of the proposed amendments. President Brady called for any comments from the public and comments from the Commissioners. There being none, President Brady closed the public hearing on Resolution 2010-07, and noted that it would be eligible for vote later in the evening.

Consent Agenda:

President Brady said the Consent Agenda included draft public and closed session minutes for the month of April 2010. There were no comments from the Commissioners or the public. President Brady called for a motion to accept the April 2010 minutes as presented. Commissioner Hunt made the motion as stated by President Brady. Commissioner Dinkel seconded the motion which passed on a roll call vote of 5-0 in favor.

Items Eligible for Vote:

- **Ordinance 415** - AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF ST. MICHAELS, TO OVERLAY A TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) ZONE ON THE UNDERLYING R-1 ZONING ON THE LAND IDENTIFIED ON TALBOT COUNTY TAX MAP 23 AS PARCEL 111, WHICH IS GENERALLY BORDERED BY PERRY CABIN DRIVE, YACHT CLUB ROAD, MD ROUTE 33, AND THE MILES RIVER AND ENCOMPASSES APPROXIMATELY 72 ACRES, PURSUANT TO THE CODE OF THE TOWN OF ST. MICHAELS, CHAPTER 340 (ZONING)

President Brady announced that Ordinance 415 was introduced by Commissioners Clark and Snyder on April 14, 2010 and that a public hearing was held on May 19, 2010. President Brady noted that there had been one change made to the Ordinance since the public hearing, specifically, an additional introductory clause had been added stating that the Commissioners had held a public hearing on the Ordinance on May 19, 2010. There were no additional comments from staff, the Commissioners or the public. Commissioner Dinkel made the motion to accept Ordinance 415 as presented. Commissioner Snyder seconded the motion which passed on a roll call vote of 3-2 in favor, with Commissioners Brady and Hunt dissenting.

- **Ordinance 416** - AN ORDINANCE OF THE COMMISSIONERS OF ST. MICHAELS AMENDING THE CODE OF THE TOWN OF ST. MICHAELS, CHAPTER 340 (ZONING), ARTICLE I (ZONING MAPS AND BOUNDARIES), §340-1 (OFFICIAL ZONING MAP) TO DELETE AN EDITOR'S NOTE, TO REPLACE A REFERENCE TO "ZONING ORDINANCE OF THE SECTION 1" WITH "CHAPTER 340 OF THE CODE," AND TO CORRECT A REFERENCE TO A CODE SECTION; AMENDING TOWN CODE, §340-2 (REPLACEMENT OF OFFICIAL ZONING MAP) TO REPLACE A REFERENCE TO "ZONING ORDINANCE" WITH "CHAPTER 340;" AMENDING TOWN CODE, §340-3 (OFFICIAL CRITICAL AREA OVERLAY DISTRICT MAPS) TO REPLACE A REFERENCE TO THE "ST. MICHAELS CHESAPEAKE BAY CRITICAL AREA PROGRAM" WITH "SECTIONS 340-27 THROUGH AND INCLUSIVE OF 340-27.19 OF THE TOWN CODE;" AMENDING TOWN CODE, §340-5 (RULES FOR INTERPRETATION OF ZONE BOUNDARIES) TO DELETE AN OUTDATED EDITORS NOTE; AMENDING TOWN CODE, ARTICLE II (APPLICABILITY) §340-6 (APPLICATION OF ZONE REGULATIONS) TO CLARIFY THAT THE BOARD OF APPEALS MAY GRANT VARIANCES TO CERTAIN ZONE REGULATIONS, TO PROVIDE THAT LOT SIZE, SETBACK AND LOT COVERAGE REQUIREMENTS WILL BE LOCATED IN ARTICLE IV (ZONING REGULATIONS), TO CHANGE THE PROVISIONS RELATING TO WHAT CONSTITUTES LOT COVERAGE AND HOW ONE CALCULATES MAXIMUM LOT COVERAGE FOR FAST LAND AND PRIVATE WETLANDS AND HOW ONE CALCULATES TOTAL LOT AREA FOR PRIVATE SUBMERGED LANDS; REPEALING AND REENACTING WITH AMENDMENT'S TOWN CODE, ARTICLE III (NON-CONFORMING LOTS, USES OF LAND,

STRUCTURES AND PREMISES) TO REDEFINE WHAT IS A NONCONFORMING STRUCTURE, LOT, USE, AND SIGN AND THE ABILITY TO ALTER AND MAINTAIN A NONCONFORMING STRUCTURE OR USE, AND TO PROVIDE, AMONG OTHER THINGS, THAT RESIDENTIAL STRUCTURES LEGALLY CONSTRUCTED AS OF THE DATE OF ENACTMENT OF THIS ORDINANCE THAT ARE NONCONFORMING AS TO YARD SETBACK AND LOT COVERAGE, SHALL BE DEEMED CONFORMING; REPEALING AND REENACTING TOWN CODE, ARTICLE IV (ZONING REGULATIONS), EXCLUDING THOSE PROVISIONS RELATING TO THE CHESAPEAKE BAY CRITICAL AREA (SECTION 340-27 THROUGH SECTION 340-28) TO DELETE THE AGRICULTURE ZONE B LOW DENSITY, THE NEIGHBORHOOD COMMERCIAL ZONE NC, THE LIMITED COMMERCIAL ZONE LC, AND THE SELECT LIGHT COMMERCIAL ZONE AND TO CREATE A GATEWAY COMMERCIAL ZONE AND A HISTORIC REDEVELOPMENT ZONE – HRZ AND TO ESTABLISH REGULATIONS THEREFOR, TO PLACE ALL LOT SIZE, DENSITY, YARD, STRUCTURE HEIGHT, LOT WIDTH, LOT DEPTH, MAXIMUM LOT COVERAGE REQUIREMENTS RELATING TO EACH ZONE WITHIN THE SECTION RELATING TO THE ZONE AND TO CLARIFY SAID REQUIREMENTS, TO CREATE A TABLE IDENTIFYING THE FRONT YARD SETBACKS FOR THE R-1 AND R-2 ZONES BASED UPON THE PREDOMINANT FRONT YARD SETBACK OF EACH BLOCK, TO CREATE A TABLE OF PERMITTED USES REFLECTING THE USES ALLOWED IN EACH ZONE, TO CREATE SECTION 340-32 “NOTES TO TABLE OF GENERAL LAND USES,” TO IDENTIFY SUPPLEMENTAL ZONING REGULATIONS FOR VARIOUS USES, AND TO RELOCATE THEREIN WITHOUT AMENDMENT THE PROVISIONS RELATING TO OVERLAY ZONES GENERALLY, THE PLANNED REDEVELOPMENT ZONE OVERLAY DISTRICT AND THE TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) ZONE; REPEALING AND REENACTING WITH AMENDMENTS TOWN CODE, ARTICLE V (SUPPLEMENTAL ZONE REGULATIONS) TO DELETE THE PROVISIONS RELATING TO THE PLANNED REDEVELOPMENT ZONE OVERLAY DISTRICT AND THE PLANNED REDEVELOPMENT AREA, AND TO AMEND THE SIGN PROVISIONS TO CLARIFY THE TYPES, SIZE AND NUMBER OF SIGNS PERMITTED FOR EACH USE, AND TO GENERALLY AMEND THE SUPPLEMENTAL ZONE REGULATIONS; AMENDING TOWN CODE, ARTICLE XV (DEFINITIONS), §340-108 (DEFINITIONS) TO DELETE THE DEFINITION OF “THIS CHAPTER”, TO ADD DEFINITIONS OF CAFÉ/COFFEE HOUSE, CARNIVAL, GOVERNMENT SERVICES, LANDSCAPING/GREEN AREA, MAXIMUM LOT COVERAGE, MOTEL, RECYCLING COLLECTION CENTER, SIGN, SMALL UTILITY STRUCTURE, AND TEMPORARY USE PERMITS, AND TO AMEND THE DEFINITIONS OF BED AND BREAKFAST INN, BUILDING OR STRUCTURE HEIGHT, HOTEL, PRINCIPAL STRUCTURE, RESTAURANT, “SIGN, NUMBER AND SURFACE AREA”, “STORY; HALF STORY”, “STRUCTURE, PRINCIPAL”, AND “YARD, FRONT”; ALL MATTERS GENERALLY RELATING TO THE ZONING REGULATIONS FOR THE TOWN’S BASE ZONES, SUPPLEMENTAL ZONE REGULATIONS AND NONCONFORMING LOTS, USES, STRUCTURES AND SIGNS; AND PROVIDING THAT THIS TITLE SHALL BE A FAIR SUMMARY HEREOF.

President Brady announced that Ordinance 416 was introduced by all five Commissioners on April 28, 2010 and that a public hearing was held on May 19, 2010. There were no comments from staff. President Brady called for any comments from the Commissioners. Based on comments from the public hearing on May 19, 2010, Commissioner Dinkel made reference to properties in the Select Light Commercial (SLC) Zone and proposed that the South side of Grace Street remain designated as a residential R-1 zone and that the properties

currently zoned SLC on the North side of Grace Street should remain SLC. Commissioner Dinkel also proposed that the Planning Commission should take another look at the SLC Zone regarding expanding or clarifying uses for that zone in Phase II of their comprehensive zoning review. The other Commissioners agreed. President Brady said that these changes were not substantive, and called for a motion to adopt Ordinance 416 with the proposed changes. Commissioner Hunt made the motion as stated by President Brady. Commissioner Dinkel seconded the motion which passed on a roll call vote of 5-0 in favor.

- **Ordinance 418 - AN ORDINANCE OF THE COMMISSIONERS OF ST. MICHAELS TO AMEND THE OFFICIAL ZONING MAP OF THE TOWN OF ST. MICHAELS IN ACCORDANCE WITH THE REQUIREMENTS OF THE CODE OF THE TOWN OF ST. MICHAELS FOR A COMPREHENSIVE REZONING AND THE RECOMMENDATIONS OF THE TOWN'S COMPREHENSIVE PLAN DATED DECEMBER 3, 2008.**

President Brady announced that Ordinance 418 was introduced by all five Commissioners on May 12, 2010 and that a public hearing was held on May 19, 2010. There were no comments from staff. Commissioner Dinkel repeated his proposed changes to Ordinance 416 with respect to the zoning designations for properties on Grace Street, specifically parcels 1855, 1856 and 1857 on the North Side which would carry the designation of Select Light Commercial and that parcel 1862 would be zoned Resident R-1. President Brady noted that the change was not substantive and called for a motion to adopt Ordinance 418 with the proposed changes. Commissioner Hunt made the motion as stated by President Brady. Commissioner Dinkel seconded the motion which passed on a roll call vote of 5-0 in favor.

- **Heatherington Harbor Annexation Plan**

President Brady announced that a public hearing on the Heatherington Harbor Annexation Plan, which is Exhibit D to Resolution 2010-01, was held on May 19, 2010. There were no comments from staff. President Brady said that the Commissioners had received documentation from the community after the public hearing was closed. In addition, in response to comments from the public during the public hearing, the applicant had proposed some changes to the annexation plan. President Brady said that as a result of these actions, the Commissioners feel that the annexation has become more complicated and therefore, in addition to the annexation plan, the Commissioners would like to see an annexation agreement. Town Attorney MacLeod then provided a detailed overview of the differences between an annexation plan and an annexation agreement explaining that the agreement is a more binding legal document as all parties involved must sign the agreement. President Brady proposed that the Commissioners delay the vote on annexation plan until an annexation agreement can be prepared. In addition, in delaying the vote on the annexation plan, President Brady said the Commissioners would also not be able to vote on Resolution 2010-01 until such time as an annexation agreement could be prepared. The Commissioners agreed to delay the vote on the plan before them and also the vote on Resolution 2010-01. President Brady then asked the Town attorney to work with the applicant's attorney to prepare an annexation agreement which will then come back before the Commissioners.

- **Resolution 2010-05 - A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS TO AMEND THE BUDGET FOR FISCAL YEAR 2010, AS AMENDED ON OCTOBER 28, 2009.**

President Brady noted that a public hearing on Resolution 2010-05 was held on May 12, 2010. There were no comments from staff, the Commissioners or the public. President Brady called for a motion to accept Resolution 2010-05 as presented. Commissioner Hunt

made the motion as stated by President Brady. Commissioner Snyder seconded the motion which passed on a roll call vote of 5-0 in favor.

- **Resolution 2010-06** - A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS TO ADOPT THE BUDGET FOR FY 2011; TO SET THE TAX RATE FOR REAL PROPERTY AT SIXTY-FOUR CENTS (\$.64) PER ONE HUNDRED DOLLARS (\$100) OF ASSESSED VALUE; TO SET THE TAX RATE FOR PERSONAL PROPERTY AND CORPORATIONS AT SIXTY-FIVE CENTS (\$.65) PER ONE HUNDRED DOLLARS (\$100) OF ASSESSED VALUE AND TO SET THE TAX RATE FOR PERSONAL PROPERTY OF PUBLIC UTILITIES AT ONE DOLLAR AND SIXTY CENTS (\$1.60) PER ONE HUNDRED DOLLARS (\$100) OF ASSESSED VALUE

President Brady noted that a public hearing on Resolution 2010-06 was held on May 12, 2010. There were no additional comments from staff, the Commissioners or the public. President Brady called for a motion to accept Resolution 2010-06 as presented. Commissioner Clark made the motion as stated by President Brady. Commissioner Snyder seconded the motion passed on a roll call vote of 5-0 in favor.

- **Resolution 2010-07** - A RESOLUTION OF THE COMMISSIONERS OF ST. MICHAELS TO AMEND THE BUDGET FOR FISCAL YEAR 2010, AS AMENDED ON OCTOBER 28, 2009, AND AS FURTHER AMENDED ON MAY 26, 2010.

President Brady noted that a public hearing was held on Resolution 2010-07 earlier in the evening. There were no additional comments from staff, the Commissioners, or the public. President Brady called for a motion to accept Resolution 2010-07 as presented. Commissioner Hunt made the motion as stated by President Brady. Commissioner Dinkel seconded the motion which passed on a roll call vote of 5-0 in favor.

Board and Other Appointments:

- **Appointment to Boards and Commissions**
President Brady announced that there are several appointments being made this evening: two vacancies on the Tourism Board; the Chairperson of the Tourism Board; and two vacancies on the Waterways Advisory Panel. President Brady said that letters of interest for the Tourism Board positions had been received from Chris Agharabi, Bonnie Booth, Julie Imirie, and Marianne Yost. Captain Roy Meyers has expressed interest in filling one of the vacant positions on the Waterways Advisory Panel.

President Brady then called for comments from staff and the Commissioners. Commissioner Dinkel suggested that the Commissioners make the appointment to the Waterways panel first and the Commissioners agreed. Commissioner Dinkel made a motion to appoint Roy Meyers to the Waterways Advisory Panel for a term ending December 31, 2011. Commissioner Hunt seconded the motion which passed on a roll call vote of 5-0 in favor.

President Brady said the next appointment was a replacement to fill the remaining term of April Dean Whitacre as the retail representative on the Tourism Board. Commissioner Clark nominated Marianne Yost as Mrs. Dean Whitacre's replacement for her term ending June 30, 2011. Commissioner Snyder seconded the motion which passed on a vote of 5-0 in favor. President Brady said the next appointment was a restaurant representative to replace Jon Mason on the Tourism Board for a term ending June 30, 2013. Commissioner Hunt nominated Chris Agharabi to serve on the Tourism Board as the restaurant representative to

replace Jon Mason for a term ending June 30, 2013. Commissioner Clark seconded the motion passed on a roll call vote of 5-0 in favor. President Brady said the next nomination is the reappointment of Bonnie Booth as the hotel/motel representative to the Tourism Board for a term ending June 30, 2013. Commissioner Dinkel made the motion as stated by President Brady. Commissioner Snyder seconded the motion which passed on a roll call vote of 5-0 in favor. President Brady said the next nomination was the appointment of the chairperson for the Tourism Board for a term ending June 30, 2011. Commissioner Clark nominated Angela Eade-Spence, the St. Michaels Business Association representative to the Tourism Board, as chairperson for the Tourism Board for a term ending June 30, 2011. Commissioner Snyder seconded the motion which passed on a vote of 5-0 in favor. Mrs. Yohn noted the next Tourism Board meeting would be Tuesday, June 8, 2011. President Brady offered congratulations to all the appointees.

- **Re-appointment of Deborah A. Renshaw as Zoning Inspector/Codes Enforcement Officer:**

President Brady said the next order of business was the re-appointment of Deborah A. Renshaw as Zoning Inspector/Codes Enforcement Officer through June 30, 2011 or until such time after June 30, 2011 that appointment for the position of Zoning Inspector/Codes Enforcement Officer shall be made by the Commissioners of St. Michaels and called for a motion to approve the re-appointment. Commissioner Hunt made the motion to re-appoint Deborah A. Renshaw as Zoning Inspector/Codes Enforcement Officer for the Town. Commissioner Snyder seconded the motion which passed on a roll call vote of 5-0 in favor.

Discussion Items:

- **Auxiliary Police Aid Enforcement**

Commissioner Dinkel gave an overview of the program in Salisbury, which provides uniformed, un-armed volunteer auxiliary aid for such duties as traffic direction and neighborhood patrols. Commissioner Dinkel said that perhaps this program should be looked into, especially now that the Town has a Nature Trail that requires monitoring and also during the height of the tourist seasons. Chief Dennis said he had looked into the program and while he liked the concept, he felt that the Salisbury program was a far more formal program than was needed for St. Michaels. After some discussion, the Commissioners directed staff to work with Chief Dennis to fashion a less formal program specific to St. Michaels, and to determine costs.

Comments from the Public:

- Mrs. Thomas responded to a question from Ann Borders regarding the annual appointment of the Zoning Inspector/Codes Enforcement Officer.
- Barney Kastel of Mt. Pleasant Landing said he favored a citizen auxiliary police aid program.

Comments from the Commissioners:

Commissioner Clark thanked Commissioner Snyder and Commissioner Dinkel for their service and said it was a pleasure working with both of them. Commissioner Snyder thanked the Town staff for all of their support. Commissioner Dinkel said he had enjoyed his nine years. Commissioner Brady thanked both Commissioners for their counsel.

Announcement of Next Meetings/Events:

President Brady announced the next meetings as follows:

- June 9, 2010 – 5:00 p.m. – Town Office – Regular Working Session

The Commissioners of St. Michaels
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- June 17, 2010 – 5:00 p.m. - Town Office – Special Working Session with the Residents of Cherry Street regarding the Street Reconstruction Project
- June 23, 2010 – 6:30 p.m. – Town Office – Regular Legislative Session

Adjournment:

President Brady adjourned the meeting at 7:55 p.m.

Respectfully submitted,



Sabrenia L. Yohn, Administrative Clerk

Attachments:

- Resolution 2010-07
- Ordinance 415
- Ordinance 416
- Ordinance 418
- Resolution 2010-01 and the Heatherington Harbor Annexation Plan
- Resolution 2010-05
- Resolution 2010-06
- Resolution 2010-07